



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

October 9, 2024

By ECF

Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Elisa W. v. City of New York et al.
S.D.N.Y. No. 15-CV-5273 (KMW) (SLC)

Dear Judge Wood:

This Office represents defendant DaMia Harris-Madden (“State Defendant”), sued in her official capacity as Commissioner of the New York State Office of Children and Family Services (“OCFS”),¹ in the above-captioned action. State Defendant joins Defendant City of New York (“City Defendant”) in requesting a stay of further discovery in this case pending (1) the Court’s resolution of City Defendant’s motion for reconsideration, ECF No. 585, and (2) Plaintiffs’ substitution of new Named Plaintiffs with live claims.

Plaintiffs’ claims against State Defendant concern OCFS’s oversight of City Defendant and are therefore inherently dependent on the success of Plaintiffs’ claims against City Defendant. As such, resolution of the pending reconsideration motion in City Defendant’s favor would effectively end this case as against State Defendant. The dispositive nature of the pending motion, along with the heavy burden of Plaintiffs’ anticipated discovery requests on State Defendant, weigh in favor of a stay for the limited time necessary for the Court to decide the motion. Further, State Defendant joins in full City Defendant’s argument as to the necessity of substituting new Plaintiffs in order to ascertain the appropriate scope and timing of any discovery.

Thank you for your attention to this matter.

Sincerely,

/s/ Patrick Baker
PATRICK BAKER
Assistant Attorney General

¹ Pursuant to Fed. R. Civ. P. 25(d), Commissioner Harris-Madden is substituted for named defendant Sheila Poole, former Commissioner of OCFS.

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Page 2 of 2

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